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February 20, 2015

Via E-filing and Email: chambersnysdseibel@nysd.uscourts.gov

The Honorable Cathy Seibel
United States District Court
for the Southern District of New York
The Hon. Charles L. Brieant Jr. Federal
Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: **The Wave Studio, LLC v. General Hotel Management Ltd. et al.**
Case No. 7:13-cv-09239-CS

Dear Judge Seibel:

This firm is counsel for Defendant General Hotel Management Ltd. ("GHM"). In accordance with the Court's *Individual Rules of Practice*, we respectfully submit this letter requesting a conference with the Court and Plaintiff's counsel, Cameron Reuber, to discuss Plaintiff's failure to comply with discovery.

At the status conference on November 24, 2014, the Court reset the discovery deadline as to the threshold issue in this matter for March 2, 2015. On January 7, I spoke with Mr. Reuber on the telephone in an attempt, among other things, to set up a deposition schedule. During that call, Mr. Reuber advised that he and his firm would be withdrawing as counsel for Plaintiff, and that he anticipated knowing who would be substituting in as counsel on or about January 9. On January 13, I sent an email to Mr. Reuber confirming our conversation and following up on the status of discovery and his withdrawal. On January 16, not having received

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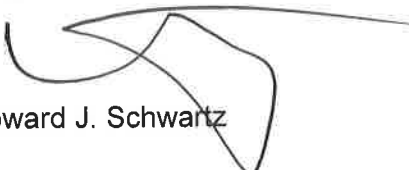
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February 20, 2015
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a response, and cognizant of the Court's discovery deadline, this office served Mr. Reuber with a Notice for the Deposition of Plaintiff on February 2, along with a letter which set forth GHM's willingness to negotiate as to the location of the deposition should Plaintiff wish to be deposed somewhere other than New York. On January 20, Mr. Reuber responded to my email of January 13, acknowledged receipt of the Notice of Deposition, and indicated that he did not know the status or timetable with regard to the substitution of counsel, but intended to see both matters addressed "as soon as practicable." On January 29, 2015, Mr. Reuber advised that Plaintiff would not be appearing for deposition on February 2, and indicated that the notice was invalid for failure to comply with Rule 30. We spoke briefly during the first week of February to discuss the outstanding issues relating to discovery. Having received no information regarding substitute counsel being retained, I emailed Mr. Reuber on February 12 in an attempt to schedule Plaintiff's deposition. Again, receiving no response from Mr. Reuber, on February 13 a revised Notice for the Deposition of Plaintiff was served, setting the deposition for February 23. On February 17, my associate sent a follow-up email to Mr. Reuber requesting that he advise whether Plaintiff intended to appear for deposition. Finally, Mr. Reuber responded on February 18, indicating that Plaintiff would not be appearing.

Prior counsel for GHM has indicated that they attempted to schedule depositions with Plaintiff's counsel for months, beginning in the summer of 2014, to no avail. To date, no additional information relating to substitute counsel has been provided. As Mr. Reuber's explanation for his withdrawal from the matter is a conflict with MasterCard, GHM can only assume that Plaintiff is dragging its heels so it can wait and see whether its suit against MasterCard, Case No. 7:14-cv-08322-CS, settles or is consolidated with this proceeding. Plaintiff has continued to be evasive and uncooperative, even in the face of the rapidly approaching discovery deadline. We seek an order compelling Plaintiff's operator and owner, Junior Lee, to appear for deposition in New York.

Respectfully submitted,



Howard J. Schwartz

HJS:ajr

Cc: Cameron Reuber, Esq., via e-mail